

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

Criminal No. 05-30039-MAF

V.

JULIO MARIN,

Defendant.

THIRD MEMORANDUM PURSUANT TO LOCAL RULE 116.5

The United States of America, by and through its undersigned attorneys hereby files this memorandum. The government faxed a draft to Myles D. Jacobson, Esq., counsel for defendant Marin, on November 14, 2005.

1. The defendant will address the Court at the Status Conference regarding the defendant's access to the DVD's while incarcerated. Otherwise, there are no outstanding discovery issues not yet presented or resolved by the Court.
2. The defendant has not requested discovery of expert witnesses under Fed. R. Crim. Pro. 16(a)(1)(E).
3. The parties do not anticipate providing additional discovery as the result of future receipt of information.
4. The defendant may raise a defense of insanity or public authority.
5. The government has requested notice of alibi by the defendant and there has been no response by the defendant.
6. The defendant has not filed but may file, a motion to

dismiss, or suppress, or any other motion requiring a ruling by the District Court before trial pursuant to Fed. R. Crim. Pro. 12(c).

7. It is not necessary to schedule any matter in the case other than a Pretrial Conference.

8. The parties are not currently engaging in plea negotiations.

9. The parties agree that there are periods of excludable delay. The parties agree that the time frame from arraignment, June 17, 2005 through July 1, 2005 is excludable under Local Rule 112.2(A)(1). Further, at the August 11, 2005 Status Conference, the Court, at the joint request of the government and the defendant, excluded the time between the August 11, 2005 Status Conference and the October 14, 2005 Status Conference. Finally, at the October 14, 2005 Status Conference, the Court, at the joint request of the government and the defendant, excluded the time between the October 14, 2005 Status Conference and the November 17, 2005 Status Conference. There were no motions or discovery letters filed.

Therefore, as of the day of the Status Conference on October 14, 2005, 29 days have run and 41 days remain on the Speedy Trial clock which will require that, if necessary, a trial commence on or before December 28, 2005.

10. In the event that a trial is necessary the trial will

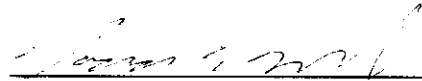
last approximately 5 days.

11. A date convenient with the Court should be established for the Pretrial Conference.

Filed this 14th day of November, 2005.


Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney



TODD E. NEWHOUSE  
Assistant United States Attorney

On behalf of defendant Marin:

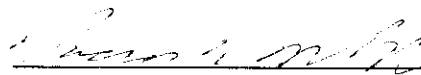
  
MYLES D. JACOBSON, ESQ.  
Counsel for defendant Marin

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts  
November 14, 2005

I, Todd E. Newhouse, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing, via mail to all counsel of record.



TODD E. NEWHOUSE  
Assistant U.S. Attorney